



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 17 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Phil Hammack, General Manager
Bluff City Minerals
4007 College Avenue
Alton, Illinois 62002

Re: Notice and Finding of Violation
Bluff City Minerals
Alton, Illinois

Dear Mr. Hammack:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Bluff City Minerals (you) under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you are violating the requirements of 40 C.F.R. Part 70, 40 C.F.R. Part 60, Subpart A, 40 C.F.R. Part 60, Subpart OOO, the Illinois State Implementation Plan (IL SIP), Title V of the Clean Air Act, and Section 111 of the Clean Air Act, 42 U.S.C. § 7411, at your Alton, Illinois facility.

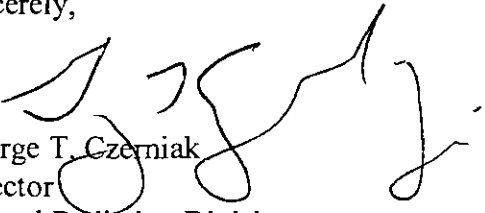
Section 113 of the Clean Air Act, 42 U.S.C. § 7413, gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Kevin Vuilleumier. You may call him at (312) 886-6188 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Eric Jones, Manager
Compliance Unit, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Bluff City Minerals
Alton, Illinois**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. §§ 7401 - 7671q

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) **NOTICE OF VIOLATION and
FINDING OF VIOLATION**
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) **EPA-5-14-IL-16**
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NOTICE AND FINDING OF VIOLATION

Bluff City Minerals (you or BCM) owns and operates an aggregate processing plant at 4007 College Avenue, Alton, Illinois (facility). The facility consists of lime stone mining and processing equipment including crushers, screens, and conveying systems.

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found you are violating certain requirements of the Illinois State Implementation Plan (IL SIP). We have also found you are violating certain requirements of the General Provisions to 40 C.F.R. Part 60 (Subpart A), the Standards of Performance for Nonmetallic Mineral Processing Plants (40 C.F.R. Part 60, Subpart OOO), Section 110 of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7410, Section 111 of the CAA, 42 U.S.C. § 7411, and Title V of the CAA.

Section 113 of the Act, 42 U.S.C. § 7413, provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Regulatory Requirements

Illinois State Implementation Plan (IL SIP)

1. Section 108(a)(1) of the Act, 42 U.S.C. § 7408(a)(1), requires the Administrator to publish, and from time to time revise, a list which includes each air pollutant: (A) emissions of which, in the Administrator's judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare; (B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources; and (C) for which air quality criteria had not been issued before the

date of enactment of the CAA of 1970, but for which the Administrator plans to issue air quality criteria under this section.

2. Section 108(a)(2) of the Act, 42 U.S.C. § 7408(a)(2), requires the Administrator to issue air quality criteria for an air pollutant after it is included in the list required by Section 108(a)(1).
3. Section 109 of the Act, 42 U.S.C. § 7409, requires the Administrator to promulgate national primary and secondary ambient air quality standards (NAAQS) requisite to protect the public health and welfare.
4. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to the Administrator for approval a state implementation plan (SIP) that provides for the attainment and maintenance of the NAAQS.
5. The Administrator approved Illinois Pollution Control Board (IPCB) Rule 203(f) as part of the IL SIP on February 21, 1980 with an effective date of February 21, 1980, as amended on April 26, 1982, with an effective date of May 26, 1982. 45 Fed. Reg. 11472, 11493, as amended, 47 Fed. Reg. 17814, 17816.
6. The Administrator approved 35 Illinois Administrative Code (IAC) § 211.4970 as part of the IL SIP on January 26, 1996, with an effective date of March 26, 1996. 61 Fed. Reg. 2423, 2427.
7. The Administrator approved 35 IAC § 212.309 as part of the IL SIP on July 14, 1999, with an effective date of September 13, 1999. 64 Fed. Reg. 37847, 37851.
8. The Administrator approved Illinois' Federally Enforceable State Operating Permit Program as part of the IL SIP on December 17, 1992, with an effective date of February 16, 1993. 57 Fed. Reg. 59928.
9. The Administrator granted final approval of the Illinois Title V Permit Program on December 4, 2001, with an effective date of November 30, 2001. 66 Fed. Reg. 62946.
10. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires the Administrator to publish, and from time to time revise, a list of categories of stationary sources which in the Administrator's judgment cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.
11. Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires the Administrator to propose and promulgate regulations establishing federal standards of performance for new sources within the listed stationary source categories.
12. The Administrator published a list of source categories in accordance with Section 111 of the Act, 42 U.S.C. § 7411, on January 8, 1982. 47 Fed. Reg. 951 (codified at 40 C.F.R. § 60.16).

13. The prioritized list of source categories includes Non-Metallic Mineral Processing (priority 13). 40 C.F.R. § 60.16.
14. The Administrator promulgated the General Provisions of 40 C.F.R. Part 60, Subpart A on December 23, 1971. 36 Fed. Reg. 24877 (codified at 40 C.F.R. Part 60, Subpart A).
15. The Administrator promulgated Standards of Performance for Nonmetallic Mineral Processing Plants on August 1, 1985, as amended April 28, 2009. 50 Fed. Reg. 31328, as amended, 74 Fed. Reg. 19309.
16. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), states that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding. At any time after the expiration of 30 days following the date on which such notice of a violation is issued, the Administrator may, (A) issue an order requiring such person to comply with the requirements or prohibitions of such plan or permit, (B) issue an administrative penalty order, or (C) bring a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b).
17. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), states that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any other requirement or prohibition of this subchapter, section 7603 of this title; subchapter IV-A, subchapter V, or subchapter VI of this chapter, including but not limited to, a requirement or prohibition of any rule, plan, order, waiver, or permit promulgated, issued or approved under those provisions or subchapters . . . the Administrator may (A) issue an administrative penalty order, (B) issue an order requiring such person to comply with such requirement or prohibition, (C) bring a civil action, or (D) request the Attorney General to commence a criminal action.
18. The Administrator promulgated 40 C.F.R. § 52.23 on September 18, 1974, as amended, June 28, 1989. 39 Fed. Reg. 33512, as amended, 54 Fed. Reg. 27274, 27285.
19. 40 C.F.R. § 52.23 states that failure to comply with any provisions of this part, with any approved regulatory provision of a State implementation plan, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program. . . shall render the person. . . so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the CAA, 42 U.S.C. § 7413.
20. The IL SIP requirements relevant to this NOV/FOV are as follows:
 - a. IPCB Rule 203(f)(1) [35 IAC § 212.301] states that no person shall cause or allow the emissions of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source.

- b. IPCB Rule 203(f)(3)(C) [35 IAC § 212.306] states that all normal traffic pattern access areas surrounding storage piles and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils, or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils, or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by rule 203(f)(3)(F).
 - c. 35 IAC § 212.309 states that the emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.
 - d. IPCB Rule 203(f)(3)(F) [35 IAC § 212.310(e)-(g)] establishes the minimum requirements of the operating program which includes: a detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil, chemicals, and dust suppressants utilized and equivalent methods utilized; estimated frequency of application of dust suppressants by location of materials; and such other information as may be necessary to facilitate the Agency's review of the operating program.
 - e. 35 IAC § 211.4970 defines "Potential to Emit" as the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restriction on hours of operation or on a type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable.
- 21. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that after the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate an affected source, a major source, any other source subject to standards or regulations under Section 111 or 112, 42 U.S.C. §§ 7411 or 7412, except in compliance with a permit issued by a permitting authority under this title.
 - 22. Section 503(a) of the Act, 42 U.S.C. § 7661b(a) states that any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the effective date of a permit program or the date such source becomes subject to section 502(a), 42 U.S.C. § 7661a(a).
 - 23. Section 503(c) of the Act, 42 U.S.C. § 7661b(c) states that any person required to have a permit shall, not later than 12 months after the date on which the source becomes subject to a permit program approved or promulgated under this title submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official.

24. Section 504(a) of the Act, 42 U.S.C. § 7661c(a) states that each permit issued under this title shall include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every 6 months, the results of any required monitoring, and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan.
25. The requirements of the General Provisions to 40 C.F.R. Part 60, Subpart A and 40 C.F.R. Part 60, Subpart OOO relevant to this NOV/FOV are as follows:
 - a. 40 C.F.R. § 60.7(a)(3) requires any owner or operator subject to the provisions of this part to furnish to the Administrator a notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
 - b. 40 C.F.R. § 60.7(a)(4) requires a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies. This notice must be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.
 - c. 40 C.F.R. § 60.11(b) requires compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in Appendix A to this part.
 - d. 40 C.F.R. § 60.11(d) requires at all times, including periods of startup, shutdown, and malfunction owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
 - e. 40 C.F.R. § 60.11(e)(1) requires, for purposes of demonstrating initial compliance, that opacity observations be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility.
 - f. BCM has one or more affected facilities identified at 40 C.F.R. § 60.670(a)(1).
 - g. BCM has one or more affected facilities that commenced construction, modification, or reconstruction after August 31, 1983. 40 C.F.R. § 60.670(e).
 - h. BCM has one or more affected facilities that commenced construction, modification, or reconstruction after April 22, 2008.
 - i. 40 C.F.R. § 60.670(f) states that Table 1 of this Subpart specifies the provisions of Subpart A of this Part 60 that apply to affected facilities with certain exceptions.

- j. 40 C.F.R. § 60.672(b) requires affected facilities to meet the fugitive emission limits and compliance requirements in Table 3 of this Subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 C.F.R. § 60.11.
- k. 40 C.F.R. § 60.675(c)(1) states, in determining compliance with the particulate matter standards in 40 C.F.R. §§ 60.672(b) or 60.672(e)(1), the owner or operator shall use Method 9 of Appendix A-4 of this part and the procedures in 40 C.F.R. § 60.11.
- l. 40 C.F.R. § 60.676(i)(1) requires a notification of the actual date of initial startup of each affected facility to be submitted to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
- m. 40 C.F.R. Part 60, Subpart OOO, Table 1 states that 40 C.F.R. § 60.7 applies to Subpart OOO except the requirement to submit a notification of the date construction commenced or reconstruction commenced.
- n. 40 C.F.R. Part 60, Subpart OOO, Table 1 states that 40 C.F.R. § 60.11 applies except that Method 9 observation is reduced from 3 hours to 30 minutes.
- o. 40 C.F.R. Part 60, Subpart OOO, Table 3 establishes fugitive emission limitations for affected facilities that commenced construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008, as well as affected facilities that commence construction, reconstruction, or modification after April 22, 2008.
- p. 40 C.F.R. Part 60, Subpart OOO, Table 3 requires the owner or operator of affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, demonstrate compliance with applicable fugitive emission limitations by conducting an initial performance test according to 40 C.F.R. § 60.11 of this part and 40 C.F.R. § 60.675 of this subpart.

Explanation of Violations

- 26. EPA observed fugitive particulate matter crossing the facility's property line on at least two occasions [March 10, 2014 and May 21, 2014]. These fugitive particulate matter emissions violated IPCB Rule 203(f)(1) [35 IAC § 212.301] of the IL SIP and the CAA.
- 27. EPA observed visible emissions arising from stock piles and roadways within the facility and leading out of the facility, without seeing the application of water or other dust suppression techniques on at least three separate occasions [March 10, 2014, March 12, 2014, and May 21, 2014]. These observations are indicative of BCM's failure to comply with IPCB Rule 203(f)(3)(C) [35 IAC § 212.306] of the IL SIP, failure to fully implement

the operating program required by 35 IAC § 212.309 of the IL SIP, and failure to comply with the CAA.

28. EPA observed, on at least three separate occasions, fugitive dust emissions arising from storage piles, affected facilities, and spills throughout the process area at BCM without seeing the application of water or other dust suppression techniques. Failure to clean up spills or apply water to minimize fugitive dust is indicative of a violation of the requirements to maintain and operate equipment, and associated air pollution control equipment, in a manner consistent with good air pollution control practices to minimize emissions as required by 40 C.F.R. § 60.11(d), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
29. EPA's review of the information submitted as a follow up to the inspection conducted on March 12, 2014, revealed some notifications of the actual date of initial startup of an affected facility that were not postmarked within 15 days after such date. Failure to submit notifications of the actual date of initial startup of an affected facility postmarked within 15 days after such date is a violation of 40 C.F.R. § 60.7(a)(3), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
30. EPA's review of information submitted as a follow up to the inspection conducted on March 12, 2014, revealed some notifications of the actual date of initial startup were not submitted. Failure to submit notifications of the actual date of initial startup of an affected facility is a violation of 40 C.F.R. § 60.7(a)(3), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
31. EPA's review of the information submitted as a follow up to the inspection conducted on March 12, 2014, revealed some notifications of physical or operational changes to an existing facility which may increase the emission rate of any pollutant to which a standard applies that were not postmarked 60 days or as soon as practicable before the change is commenced. Failure to submit notifications of physical or operational changes to an existing facility which may increase the emission rate of any pollutant to which a standard applies within 60 days or as soon as practicable before the change is commenced is a violation of 40 C.F.R. § 60.7(a)(4), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
32. EPA's review of the information submitted as a follow up to the inspection conducted on March 12, 2014, revealed that some initial testing to demonstrate compliance with the fugitive emission particulate matter standards was not performed within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 C.F.R. § 60.11. Failure to conduct initial performance testing to demonstrate compliance with the fugitive emission particulate matter standards within 60 days after achieving the maximum production rate or within 180 days of initial startup is a violation of 40 C.F.R. § 60.11(e)(1), 40 C.F.R. § 60.675(c)(1), 40 C.F.R. Part 60, Subpart OOO, Table 3, and the CAA.

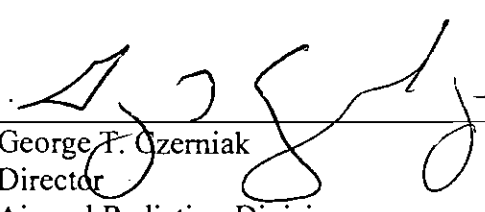
33. EPA's review of the information submitted as a follow up to the inspection conducted on March 12, 2014 revealed that the potential emissions of one or more regulated pollutants from Bluff City Minerals in Alton, Illinois, (considering federally enforceable limitations) exceed 100 tons per year. A facility that emits more than 100 tons per year of one or more regulated pollutants is required to either apply for and obtain a Title V permit or apply for and obtain a Federally Enforceable State Operating Permit (FESOP) which limits emissions of regulated pollutants below 100 tons per year. Bluff City Minerals has neither applied for and obtained a Title V permit, nor applied for and obtained a Federally Enforceable State Operating Permit. Failure to apply for and obtain a Title V permit is a violation of the CAA. Failure to apply for and obtain a FESOP is a violation of the IL SIP and the CAA.

Environmental Impact of Violations

34. Violation of requirements to minimize visible emissions through dust suppression practices or good air pollution control practices increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate matter, contributes to respiratory problems, lung damage, and premature deaths.

Date

8/7/14


George T. Ozerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

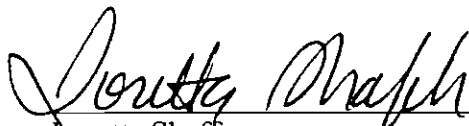
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IL-16, by Certified Mail, Return Receipt Requested, to:

Phil Hammack, General Manager
Bluff City Minerals
4007 College Avenue
Alton, Illinois 62002

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protections Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

On the 7 day of Aug 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2639 3175